

**Village & Zoning Board of Appeals  
Joint Meeting 6:30 p.m.  
November 12, 2019**

Present: Mayor Lee, Trustees Zabelny, Fowler, Speer, Gates  
Village Manager/Clerk Shari Pearce  
Treasurer Maryalice Edwards  
DPW Superintendent Mike McHenry  
Code Enforcement Officer Mike Lissow  
Deputy Clerk, Amy Harter  
ZBA Chair Richard Bjornholm  
Richard LaForce  
Pat Holenbeck  
Shelly Kordish  
Murray Weaver

Guests: Myke Merrill, Loren Ranaletta, Lisa Marcello, Courtney McGinnis, Mark Greisberger, Mike Weldon Sr, Joe Gibbons, Angela Eicholtz, Robert Holden, Melinda Holden, Steve Gabriel, Paul Spindler, Maureen Spindler, Jason Hodges, Ryan Hodges, Linda Viney, Laurie Gavigan, Carol Gillette, Cheryl Miles, Clemens Janowski, Don Green

Mayor Lee read the following statement: *I, Mayor Lee, will be recusing myself from this Village Board meeting. I am the Grand Knight for St. Leos Church and an active member. I do not feel I have a personal conflict with this matter; however, it was brought up in the last public meeting that because of my relationship with the church, it could influence my decision making. Therefore, I feel it is in the best interest to recuse myself from any action pertaining to the rezoning of the St. Leos property. I will be turning the meeting over to be run by Vice Mayor Jim Gates.*

**Public Hearing**

Vice Mayor Gates opened the Public Hearing at 6:35 p.m. Tom Palumbo, Stantec, explained the proposal is to build a two story 50-unit building for adults 55 years old and over. 4.03 acres of property is under contract to be sold to Providence Housing from St. Leo's Church pending approval. This action requires rezoning of the property and six variances in order to move forward. Mr. Palumbo clarified a question brought up at the October 8<sup>th</sup> meeting about the impervious surface acreage calculation of 1.68 acres. The calculation of 1.68 acres is correct as follows: current space .78 acres + .9 acres of future land = 1.68 acres. 53 parking spaces are

proposed, with bank parking for future development if deemed necessary. The expected number of cars traveling during peak morning hours is 8 and 10 at the peak in the afternoon. As the average age of the residents is between 65 and 75, most are not expected to have a vehicle, there is one space per resident provided. A rendering of a potential building style was displayed to the audience.

Mike Lissow addressed the public with clarifications regarding the rezoning application. Mike explained that the applicant is seeking approval to rezone from Residential to Planned Residential District – Seniors; the applicant opted for this zoning to keep the existing vacant church building on the parcel to create a space to be used for all residents of the public. Mike further explained that the applicant could have proposed rezoning to Multi-Residential; this would not have required as many variances, however, the former church would have been razed. St. Leo’s and Providence both preferred to utilize the church building as part of their proposal.

### Public Comment

Vice Mayor Gates opened the meeting for public comment. He asked that the residents state their name and address for the record and asked comments be kept somewhat brief to allow time for all those wishing to comment.

Mike Lissow read a letter received from Klock Oil Company stating their opposition to the project. A copy is included at the end of these minutes.

Cheryl Miles, 15 Overlook Drive, commented that Providence is part of the Catholic Diocese which is in bankruptcy. Mr. Greisberger clarified Providence is not part of the Diocese and does not receive financial support from them. He stated it is a Catholic social organization, but the proposed development is not religion restricted.

Village Manager, Shari Pearce, explained the property owner would not pay the full amount in taxes. They would likely be granted a PILOT status (payment in lieu of taxes) by the assessor.

Bob Holden, 27 Peach Blossom Road South, asked if a drainage study has been done. Mr. Holden explained in detail the amount of water he has on his property after rain or snow melt, he feels this project will only add to the existing water problems. Mr. Greisberger explained they will do a study if the application for rezoning and the variances are approved for financial purposes. Mr. Holden also stated the SEQR form contained an error of the impervious surface. Mr. Palumbo explained earlier how the calculations were done and that the form was correct as submitted. Mr. Holden noted he visited Union Park in Chili, which is similar in size to the proposal. He noted there was more traffic that has been explained as expected. He brought attention to the fact that Hilton does not have major shopping or a hospital nearby, which will result in more travel for the residents for their errands. He noted there is an overabundance of light that spills onto neighbors in Union Park.

Maureen Spindler, 175 Lake Avenue, asked the applicant for assurance to the neighbors that water will be addressed. She stated water collects in her yard and in her basement and it is time to address flooding the Lake Avenue area. She said that not adding adequate landscape to the neighbors would be a disservice to the neighborhood. She explained she would be open to a smaller, one story building that would fit into the character of this neighborhood. She asked the board to consider alternatives to this plan. She also noted that her house is 115' from the southeast corner of the proposed building.

Melinda Holden, 27 Peach Blossom Road South, stated she is concerned for the amount of traffic expected being much less than the amount of traffic the project will generate.

Myke Merrill, 202 Lake Avenue, expressed concerns regarding parking and traffic. He stated parking for guests of the proposed building would not be adequate and traffic would increase along Lake Avenue, which is already heavily traveled. He stated a property of this density should have more than one access. Myke also stated drainage and flooding issues are problematic to the existing homes in this area. He commented on the number of variances requested, speaks to the fact that the project is too large for the piece of property. He stated he bought his home based on the existing Village zoning and he is against the proposal and that no one present from the public is in favor of the proposal. He asked the Zoning Board of Appeals to deny the variances based on the reasons he noted.

Vice Mayor Gates closed the Public comment at 7:30 p.m.

**Resolution** To declare The Village Board of Trustees themselves as the Lead Agency on the proposal. Motion made by Trustee Zabelny, seconded by Trustee Speer. Carried 4-0-1. Mayor Lee abstained.

**Resolution** to accept SEQR as addressed to declare a Negative Declaration made by Trustee Speer, seconded by Trustee Zabelny. Carried 4-0-1. Mayor Lee abstained.

Shari Pearce explained the process of the voting to the public.

### **Zoning Board of Appeals**

Motion to approve the variance to allow 4.03 acres to be considered for Planned Residential District – Senior. Motion made by Murray Weaver, seconded by Richard LaForce. Motion carried unanimously, 5-0.

### **Village Board**

**Resolution** to deny the application of Providence Housing Development Company to rezone the properties located at 169 and 171 Lake Avenue to Planned Residential District – Senior. Motion made by Trustee Fowler, seconded by Trustee Speer. The motion to *deny* was approved, 4-0-1. Mayor Lee abstained. At the request of the Vice Mayor, each member was polled by Deputy Clerk Amy Harter to verify their individual vote. Each Board member stated their reasons as follows:

Trustee Speer: He stated he has concerns for flooding, the main reason is the lack of a buffer zone. He feels the project is too large in general and does not believe traffic would not be a heavy impact.

Trustee Fowler: He feels the scope of the project is too large, the potential impact on the Village financially and on the Hilton Fire Department's services and that it does not fit the character of the neighborhood.

Trustee Zabelny: She stated the opposition of the neighbors has been noted and agrees with the concerns brought forward by them.

Vice Mayor Gates: Mr. Gates stated the Village Board takes zoning seriously and it sets a precedent for the Village of Hilton. He said the project does not fit the character of the neighborhood.

### **Adjournment**

There being no further business, a motion was made to adjourn the meeting at 8:23 p.m. Motion made by Trustee Speer, seconded by Trustee Zabelny. Carried 4-0-1.

Respectfully Submitted,

Amy Harter, Deputy Clerk

Klock Oil Company, Inc.

51 Pearson Lane  
Rochester, NY 14612

November 7, 2019

Village of Hilton Board of Trustees  
Village of Hilton Zoning Board of Appeals  
59 Henry Street  
Hilton, NY 14468

Dear Members,

I am unable to attend the public hearing regarding the attached notice on November 12, 2019. Therefore, I am submitting this written summary of the concerns and comments of Klock Oil Company.

Generally, the area variances requested are considerably over and above code. Item 1 is 372% over code, item 2 is 188% over code and Items 3 – 6 each are 100% over code. These percentages indicate that the proposed project is too large for the site.

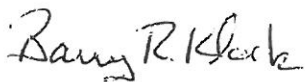
Furthermore, concerning item 3, no buffer zone indicates that a building may be construction on the lot line. This would be detrimental to the protection of property rights of the adjacent properties.

Furthermore, concerning item 6, apartments with no sump pumps could possibly cause flooding that could affect adjacent properties.

It seems that this project, as proposed, is not a proper fit for the location. Either the scope of the project needs to be reduced to be more in compliance with code or a much larger footprint is needed.

Klock Oil Company, based on the above comments and concerns is opposed to the project as proposed.

Yours truly,

A handwritten signature in cursive script that reads "Barry R. Klock".

Barry R. Klock  
President